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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SALVADOR ROQUE,
Plaintiff,
v.
SUNTRUST and DOE 1 TO
11,
Defendants.

Case No. EDCV 09-2220-
VAP (DTBx)

**[Motion filed on December
10, 2009]**

**ORDER VACATING FEBRUARY 8,
2010 HEARING, GRANTING
MOTION TO DISMISS**

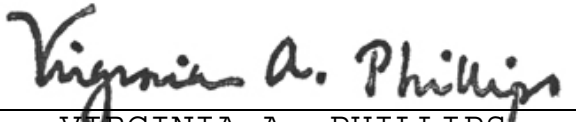
The Court has received and considered all papers filed in support of Defendant SunTrust Mortgage Inc.'s ("SunTrust") Motion to Dismiss ("Motion"). Defendant's Motion is appropriate for resolution without a hearing. See Fed. R. Civ. P. 78; L.R. 7-15. Accordingly, the Court VACATES the hearing set for February 8, 2010 at 2 p.m.

Plaintiff filed this action on October 15, 2009 in California Superior Court, County of San Bernardino against Defendant SunTrust Mortgage, Inc. On December 3,

1 2009, Defendant removed the action to this Court. On
2 December 10, 2009, Defendant filed a Motion to Dismiss
3 and Request for Judicial Notice. On January 25, 2009,
4 Defendant filed a Reply.

5
6 Under Local Rule 7-9, a party must file opposition
7 papers no later than 21 days before the date designated
8 for the hearing of the motion. Plaintiff, appearing pro
9 se, filed no timely opposition. Under Local Rule 7-12,
10 the Court finds Plaintiff has consented to granting the
11 Motion. Accordingly, the Court DISMISSES Plaintiff's
12 Complaint, without prejudice.

13
14 Dated: February 4, 2010



VIRGINIA A. PHILLIPS
United States District Judge